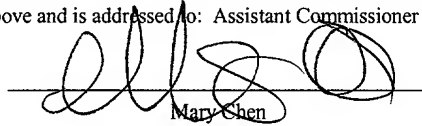


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Mary Chen

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Suresh K. MITTAL et al.

Serial No.: To Be Assigned

Filing Date: Herewith

For: RECOMBINANT PROTEIN  
PRODUCTION IN BOVINE  
ADENOVIRUS EXPRESSION VECTOR  
SYSTEM

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

**PRELIMINARY AMENDMENT**

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The above-referenced application is a continuation under 37 C.F.R. § 1.53(b) of U.S. Patent Application Serial No. 09/435,242. Prior to examination on the merits, Applicants respectfully request that the following amendments be considered and entered.

## AMENDMENTS

### **In the specification:**

At page 1, after the title, please add the following new paragraph

#### **--CROSS-REFERENCE TO RELATED APPLICATIONS**

This is a continuation of U.S. Patent Application Serial No. 09/435,242, filed November 5, 1999; which is a continuation of U.S. Patent Application Serial No. 08/815,927, filed March 13, 1997, now U.S. Patent No. 6,086,890; which is a continuation of U.S. Patent Application Serial No. 08/164,292, filed December 9, 1993, now U.S. Patent No. 5,820,868, all of which are incorporated by reference herein in their entirety. --

### **In the drawings:**

Please delete Figure 4 and insert new Figures 4A-4B enclosed with the letter to the Official Draftsperson filed herewith.

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## REMARKS

The present application is a continuation application of U.S. Patent Application Serial No. 09/435,242; filed on November 5, 1999 which is a continuation of U.S. Patent Application Serial No. 08/815,927, filed March 13, 1997, now U.S. Patent No. 6,086,890; which is a continuation of U.S. Patent Application Serial No. 08/164,292, filed December 9, 1993, now U.S. Patent No. 5,820,868.

### Amendment to Figure 4

Figure 4 is amended to correct position 77 of the BAV3 sequence from "Lys" to --Ser-- and to show a line between this Ser and the Ser of the Ad5 sequence. A "Letter to Official Draftsman and Amendment of Drawing Under 37 C.F.R. § 1.121(a)(3)," including a copy of Figure 4 showing the correction required and substitute Figures 4A-4B which include the correction, is filed herewith. Support for the amendment is found in Figure 1 as filed, which shows Ser at position 2080. Accordingly, no new matter is added by this amendment of Figure 4.

### Concerning Sequence Listing

Applicants respectfully request that the U.S. Patent and Trademark Office use the Paper and Computer Readable Form of the Sequence Listing as filed in the parent application, U.S.S.N. 09/435,242 for the present application.

In compliance with 37 C.F.R. § 1.821(f), the undersigned hereby states that the paper copy of the Sequence Listing is identical to the computer readable copy of the Sequence Listing as submitted in the parent application (U.S.S.N. 09/435,242).

Attached hereto is a marked up version of the changes made to the specification by the current amendment with additions underlined and deletions bracketed. The attached pages are captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

### CONCLUSION

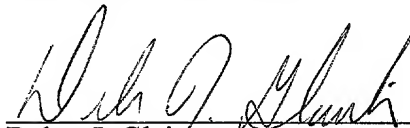
Applicants respectfully request consideration and entry of the amendment to Figure 4. Any questions regarding the aforementioned amendments can be directed to the undersigned.

In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 293102002103. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: January 14, 2002

By:

  
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Registration No. 33,888

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the specification:**

On page 1, following the new title, a new paragraph has been added entitled "CROSS-REFERENCE TO RELATED APPLICATIONS".

2014-10-10 10:46:33 10046533

Ad5 150 GlnLysTyrSerIleGluGlnLeuThrThrTyrTrpLeuGlnProGlyAspAspPheGlu  
BAV3 74 GluArgTyr<sup>Ser</sup>PheGluAspIleLysSerTyrGluAlaLeuProGluAspAsnLeuGlu  
170 GluAlaIleArgValTyrAlaLysValAlaLeuArgProAspCysLysTyrLysIleSer  
94 - GlnLeuIleAlaMetHisAlaLysIleLysLeuLeuProGlyArgGluTyrGluLeuThr  
190 LysLeuValAsnIleArgAsnCysCysTyrIleSerGlyAsnGlyAlaGluValGluIle  
114 GlnProLeuAsnIleThrSerCysAlaTyrValLeuGlyAsnGlyAlaThrIleArgVal  
210 AspThrGluAspArgValAlaPheArgCysSerMetIleAsnMetTrpProGlyValLeu  
134 ThrGlyGluAlaSerProAlaIleArgValGlyAlaMetAlaValGlyProCysValThr  
230 GlyMetAspGlyValValIleMetAsnValArgPheThr GlyProAsnPheSerGly  
154 GlyMetThrGlyValThrPheValAsnCysArgPheGluArgGluSerThrIleArgGly  
249 ThrValPheLeuAlaAsnThrAsnLeuIleLeuHisGlyValSerPheTyr GlyPhe  
174 SerLeuIleArgAlaSerThrHisValLeuPheHisGlyCys TyrPheMetGlyIle  
268 AsnAsnThrCysValGluAlaTrpThrAspValArgValArgGlyCysAlaPheTyrCys  
193 MetGlyThrCysIleGluValGlyAlaGlyAlaTyrIleArgGlyCysGluPheValGly  
288 CysTrpLysGlyValValCysArgProLysSerArgAla SerIleLysLysCysLeu  
213 CysTyrArgGlyIle CysSerThrSerAsnArgAspIleLysValArgGlnCysAsn  
307 PheGluArgCysThrLeuGlyIleLeuSerGluGlyAsnSerArgValArgHisAsnVal  
232 PheAspLysCysLeuLeuGlyIleThrCysLysGlyAspTyrArgLeuSerGlyAsnVal  
327 AlaSerAspCysGlyCysPheMetLeuValLysSerValAlaValIleLysHisAsnMet  
252 CysSerGluThrPheCysPheAlaHisLeuGluGlyGluGlyLeuValLysAsnAsnThr  
347 Val CysGlyAsn CysGluAspArgAlaSerGlnMetLeuThrCysSerAsp  
272 ValLysSerProSerArgTrpThrSerGluSerGlyPheSerMetIleThrCysAlaAsp  
364 GlyAsnCysHisLeuLeuLysThrIleHisVal AlaSerHisSerArgLysAlaTrp  
292 GlyArgValThrProLeuGlySerLeuHisIleValGlyAsnArgCysArgArg Trp  
383 ProValPheGluHisAsnIleLeuThrArgCysSerLeuHisLeuGlyAsnArgArgGly  
311 ProThrMetGlnGlyAsnValPheIleMetSerLysLeuTyrLeuGlyAsnArgIleGly  
403 ValPheLeuProTyrGlnCysAsnLeuSerHisThrLysIleLeuLeuGluProGlu  
331 ThrValAlaLeuPro GlnCysAlaPheTyrLysSerSerIleCysLeuGluGluArg  
422 SerMetSerLysValAsnLeuAsnGlyValPheAspMetThrMetLysIleTrpLysVal  
350 AlaThrAsnLysLeuValLeuAlaCysAlaPheGluAsnAsnValLeuValTyrLysVal  
442 LeuArgTyrAspGluThrArgThrArgCysArgProCysGluCysGlyGlyLysHisIle  
370 LeuArgArgGluSerProSerThr ValLysMetCysValCysGlyThrSerHisTyr  
462 ArgAsnGlnProValMetLeuAspVal ThrGluGluLeuArgProAspHisLeuVal  
389 AlaLysProLeuThrLeuAlaIleIleSerSerAspIleArgAlaAsnArgTyrMet  
481 LeuAlaCysThrArgAlaGluPheGlySerSerAspGluAspThrAspEnd  
408 TyrThrValAspSerThrGluPhe ThrSerAspGluAspEnd

FIGURE 4

Ad5 150 GlnLysTyrSerIleGluGlnLeuThrThrTyrTrpLeuGlnProGlyAspAspPheGlu  
: | | : : | | |  
BAV3 74 GluArgTyrSerPheGluAspIleLysSerTyrGluAlaLeuProGluAspAsnLeuGlu  
170 GluAlaIleArgValTyrAlaLysValAlaLeuArgProAspCysLysTyrLysIleSer  
| : | | : | | | : :  
94 GlnLeuIleAlaMetHisAlaLysIleLysLeuLeuProGlyArgGluTyrGluLeuThr  
190 LysLeuValAsnIleArgAsnCysCysTyrIleSerGlyAsnGlyAlaGluValGluIle  
: | | | | : | | | : :  
114 GlnProLeuAsnIleThrSerCysAlaTyrValLeuGlyAsnGlyAlaThrIleArgVal  
210 AspThrGluAspArgValAlaPheArgCysSerMetIleAsnMetTrpProGlyValLeu  
| | | : : | |  
134 ThrGlyGluAlaSerProAlaIleArgValGlyAlaMetAlaValGlyProCysValThr  
230 GlyMetAspGlyValValIleMetAsnValArgPheThr GlyProAsnPheSerGly  
| | | : | | |  
154 GlyMetThrGlyValThrPheValAsnCysArgPheGluArgGluSerThrIleArgGly  
249 ThrValPheLeuAlaAsnThrAsnLeuIleLeuHisGlyValSerPheTyr GlyPhe  
: : | | : : | | : : |  
174 SerLeuIleArgAlaSerThrHisValLeuPheHisGlyCys TyrPheMetGlyIle  
268 AsnAsnThrCysValGluAlaTrpThrAspValArgValArgGlyCysAlaPheTyrCys  
| | : |  
193 MetGlyThrCysIleGluValGlyAlaGlyAlaTyrIleArgGlyCysGluPheValGly  
288 CysTrpLysGlyValValCysArgProLysSerArgAla SerIleLysLysCysLeu  
| : : | : | : : |  
213 CysTyrArgGlyIle CysSerThrSerAsnArgAspIleLysValArgGlnCysAsn  
307 PheGluArgCysThrLeuGlyIleLeuSerGluGlyAsnSerArgValArgHisAsnVal  
| : : | | | | : | |  
232 PheAspLysCysLeuLeuGlyIleThrCysLysGlyAspTyrArgLeuSerGlyAsnVal  
327 AlaSerAspCysGlyCysPheMetLeuValLysSerValAlaValIleLysHisAsnMet  
| : | | : : | |  
252 CysSerGluThrPheCysPheAlaHisLeuGluGlyGluGlyLeuValLysAsnAsnThr

FIG. 4A

347 Val CysGlyAsn CysGluAspArgAlaSerGlnMetLeuThrCysSerAsp  
| : | | : |  
272 ValLysSerProSerArgTrpThrSerGluSerGlyPheSerMetIleThrCysAlaAsp  
364 GlyAsnCysHisLeuLeuLysThrIleHisVal AlaSerHisSerArgLysAlaTrp  
| : : | : : | : |  
292 GlyArgValThrProLeuGlySerLeuHisIleValGlyAsnArgCysArgArg Trp  
383 ProValPheGluHisAsnIleLeuHisArgCysSerLeuHisLeuGlyAsnArgArgGly  
| : | | | | | |  
311 ProThrMetGlnGlyAsnValPheIleMetSerLysLeuTyrLeuGlyAsnArgIleGly  
403 ValPheLeuProTyrGlnCysAsnLeuSerHisThrLysIleLeuLeuGluProGlu  
| | | | : : | |  
331 ThrValAlaLeuPro GlnCysAlaPheTyrLysSerSerIleCysLeuGluGluArg  
422 SerMetSerLysValAsnLeuAsnGlyValPheAspMetThrMetLysIleTrpLysVal  
: | : | : : : : | |  
350 AlaThrAsnLysLeuValLeuAlaCysAlaPheGluAsnAsnValLeuValTyrLysVal  
442 LeuArgTyrAspGluThrArgThrArgCysArgProCysGluCysGlyGlyLysHisIle  
| | : | : | | |  
370 LeuArgArgGluSerProSerThr ValLysMetCysValCysGlyThrSerHisTyr  
462 ArgAsnGlnProValMetLeuAspVal ThrGluGluLeuArgProAspHisLeuVal  
| : | : : : | : :  
389 AlaLysProLeuThrLeuAlaIleIleSerSerAspIleArgAlaAsnArgTyrMet  
481 LeuAlaCysHisArgAlaGluPheGlySerSerAspGluAspThrAspEnd  
: : | | : | | |  
408 TyrThrValAspSerThrGluPhe ThrSerAspGluAspEnd

FIG. 4B